

**REMARKS**

By this amendment, Applicants propose to amend claims 1, 11, 12, and 23.

Claims 1-9, 11, 12, and 15-31 are pending in this application.

In the Final Office Action,<sup>1</sup> the Examiner provisionally rejected claims 1, 3, 4, 11, 12, 16, 17, 23, 25, and 26 on the ground of non-statutory obviousness-type double patenting; objected to the drawings under 37 C.F.R. § 1.83(a); objected to claims 1, 12, and 23; rejected claims 1, 11, 12, and 23 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; and rejected claims 1-9, 11, 12, and 15-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,566,319 to Lenz ("*Lenz*") in view of U.S. Patent No. 6,343,296 to Lakhamraju et al. ("*Lakhamraju*").

**I. Provisional Non-Statutory Obviousness-Type Double Patenting Rejection**

The Examiner provisionally rejected claims 1, 3, 4, 11, 12, 16, 17, 23, 25, and 26 over claims 1-6, 8-13, 15-20, and 22-25 of copending U.S. Application No. 10/656,208 on the ground of non-statutory obviousness-type double patenting. Applicants respectfully traverse the rejection and request that the provisional rejection be held in abeyance.

To the knowledge of the undersigned, U.S. Application No. 10/656,208 is currently pending, and, thus, no double patenting circumstances can arise until a patent

---

<sup>1</sup> The Final Office Action contains a number of statements reflecting characterizations of the related art, case law, and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

is granted. Because a patent has not yet issued from U.S. Application No. 10/656,208, Applicants respectfully request that the provisional rejection be held in abeyance and any resolution in the form of a terminal disclaimer or otherwise be deferred.

Applicants further note that M.P.E.P. § 804(I)(B) (8th ed., rev. 7, July 2008) addresses the situation of two copending applications. The section states that “[t]he ‘provisional’ double patenting rejection should continue to be made by the examiner in each application . . . unless that ‘provisional’ double patenting rejection is the only rejection remaining in at least one of the applications. . . . If a ‘provisional’ nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, . . . the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer.” Therefore, Applicants respectfully request that the provisional double patenting rejection be withdrawn, should it be the only remaining rejection in this application or U.S. Application No. 10/656,208, and neither application has resulted in a granted patent.

## **II. Objection to the Drawings**

Applicants respectfully traverse the objection to the drawings under 37 C.F.R. § 1.83(a). The Examiner states that “the method[s] of claims 1 and 12 must be shown or the feature(s) canceled from the claim(s).” Final Office Action at 4. However, the Examiner failed to specify which steps or features of claims 1 and 12 are allegedly not shown in Applicants’ drawings.

Moreover, the Examiner made the same unspecific objection to the drawings in the previous Office Action mailed April 16, 2008. In response, Applicants previously filed an Amendment on June 17, 2008, in which Applicants provided a detailed explanation of where in the drawings the claimed methods are shown. In the Final Office Action, the Examiner failed to address Applicants' explanation or allege any deficiencies thereof.

Accordingly, Applicants respectfully request that the Examiner withdraw the objection to the drawings. Alternatively, Applicants respectfully request that the Examiner consider Applicants' previous response to the objection to the drawings, and provide a detailed explanation of which specific steps or features of claims 1 and 12 the Examiner considers as not being shown in the drawings.

**III. Objection to Claims 1, 12, and 23**

Applicants respectfully traverse the objection to claims 1, 12, and 23. However, to advance prosecution, Applicants amend claims 1, 12, and 23 to address the Examiner's concerns. Accordingly, Applicants respectfully request that the Examiner withdraw the objection to claims 1, 12, and 23.

**IV. Rejection of Claims 1, 11, 12, and 23 under 35 U.S.C. § 112, First Paragraph**

Applicants respectfully traverse the rejection of claims 1, 11, 12, and 23 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner alleges that "the specification does not mention 'displaying . . . whether the read and/or write access . . . can be performed.'" Final Office Action at 6. Although Applicants respectfully disagree, to advance prosecution, Applicants

amend claims 1, 11, 12, and 23 to delete the recitation. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 11, 12, and 23 under 35 U.S.C. § 112, first paragraph.

**V. Rejection of Claims 1-9, 11, 12, and 15-31 under 35 U.S.C. § 103(a)**

Applicants respectfully traverse the rejection of claims 1-9, 11, 12, and 15-31 under 35 U.S.C. § 103(a) as being unpatentable over *Lenz* in view of *Lakhamraju*. A *prima facie* case of obviousness has not been established.

“The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” M.P.E.P. § 2141(III). “[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . are as follows:

(A) [Determining the scope and content of the prior art;]

(B) Ascertaining the differences between the claimed invention and the prior art;  
and

(C) Resolving the level of ordinary skill in the pertinent art.”

M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III).

Independent claim 1 recites a method comprising, among other steps,  
“determining whether the ID [associated with a data object] is contained in a first lock object; if the ID is contained in the first lock object, determining whether a link to a

second storage location having a copy of the data object is assigned to the ID in the first lock object, and if the link is assigned to the ID, skipping performing a read and/or write access on the data object.”

The Examiner alleges that search key 007 in *Lenz* corresponds to the claimed “ID” and that lock-file 3-1 of *Lenz* corresponds to the claimed “first lock object.” Final Office Action at 6-7. *Lenz* discloses that “the control field record 007 [is] in the lock file.” *Lenz*, col. 6, line 3; Fig. 3. However, *Lenz* fails to disclose determining whether control field record 007 is contained in lock-file 3-1. A mere disclosure of an ID that is contained in a lock object does not teach or suggest the claimed step of “determining whether the ID is contained in a first lock object,” as recited in claim 1 (emphasis added).

Furthermore, *Lenz* discloses, “a status identification code (SKC) to indicate the status of the access distraction information.” *Lenz*, abstract. “SKC could be 0: . . . i.e. an access right may be granted immediately; SKC could be 1: . . . i.e. an access right may only be granted after detailed examination.” *Id.*, col. 5, ll. 49-53. SKC in *Lenz* may be 2 or 3. See *id.*, col. 6, ll. 8-49. That is, *Lenz* discloses access authorization based on the value of SKC, i.e., 0, 1, 2, or 3. However, *Lenz* fails to teach or suggest that access authorization is conditioned upon whether “the ID is contained in the first lock object,” as recited in claim 1. As discussed above, *Lenz* discloses that control field record 007 is contained in lock-file 3-1, but fails to disclose determining whether control field record 007 is contained in lock-file 3-1. Consequently, *Lenz* does not teach that access authorization is conditioned upon control field record 007 being contained in

lock-file 3-1. Accordingly, *Lenz* fails to teach or suggest “if the ID is contained in the first lock object [among other condition(s)], . . . skipping performing a read and/or write access on the data object,” as recited in claim 1.

The Examiner alleges that SKC of *Lenz* corresponds to the claimed “link.” Final Office Action at 7. This is not correct. In *Lenz*, “the status identification code [(SKC) is] associated with the control field of record 007.” *Lenz*, col. 6, ll. 2-3. However, *Lenz* fails to disclose determining whether status identification code (SKC) is assigned to control field of record 007. A mere disclosure of a link that is assigned to an ID does not teach or suggest the claimed step of “determining whether a link . . . is assigned to the ID,” as recited in claim 1 (emphasis added).

Furthermore, as discussed above, *Lenz* discloses that access authorization is based on the value of SKC. However, *Lenz* fails to disclose that access authorization is based on whether the SKC is assigned an ID. Accordingly, *Lenz* fails to teach or suggest “if the link is assigned to the ID [among other condition(s)], skipping performing a read and/or write access on the data object,” as recited in claim 1.

*Lakhamraju* does not compensate for the deficiencies of *Lenz*, discussed above. For example, the Examiner alleges that a location in *Lakhamraju* corresponds to the claimed “link.” Final Office Action at 8. However, the Examiner’s allegation is incorrect.

*Lakhamraju* discloses, “[a] physical reference is an actual location, or address on a storage medium, where the referred to objects can be found.” *Lakhamraju*, col. 1, ll. 16-18. In contrast, claim 1 recites “a data object stored in first storage location” and “a second storage location having a copy of the data object [stored in the first storage

location.” Accordingly, the claimed “link” is a link to the second storage location storing a copy of the data object stored in the first storage location. *Lakhamraju* does not disclose a location “storing a copy of the data object stored in the first storage location,” as recited in claim 1. Therefore, *Lakhamraju* fails to teach or suggest the claimed “link to a second storage location having a copy of the data object [stored in the first storage location],” as recited in claim 1.

Furthermore, *Lakhamraju* discloses, “references to the object at the old location are . . . updated . . . to refer to the new location.” *Lakhamraju*, col. 8, ll. 33-35.

Accordingly, in *Lakhamraju*, regardless of whether a location is a new location or an old location, the location is always assigned to a reference. However, *Lakhamraju* fails to teach or suggest determining whether a location is assigned to the reference.

Therefore, *Lakhamraju* fails to teach or suggest “determining whether a link to a second storage location having a copy of the data object is assigned to the ID in the first lock object,” as recited in claim 1 (emphasis added). Moreover, because *Lakhamraju* fails to teach the determining step, *Lakhamraju* fails to teach or suggest “if the link is assigned to the ID, skipping performing a read and/or write access on the data object,” as recited in claim 1. For at least these reasons, *Lakhamraju* fails to cure the deficiencies of *Lenz*.

For at least the reasons provided above, the scope and content of the prior art have not been properly determined, and the differences between the prior art and claim 1 have not been properly ascertained. Accordingly, no reason has been clearly articulated as to why the prior art would have rendered claim 1 obvious to one of

ordinary skill in the art. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 1.

Independent claims 11, 12, and 23, although different in scope from claim 1, are allowable for at least reasons similar to those given for claim 1. Claims 2-9, 15-22, and 24-31 are allowable at least due to their dependence from one of allowable independent claims 1, 12, and 23. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-9, 11, 12, and 15-31 under 35 U.S.C. § 103(a).

### **CONCLUSION**

Applicants respectfully request that the Examiner enter these amendments under 37 C.F.R. § 1.116, placing claims 1-9, 11, 12, and 15-31 in condition for allowance. Applicants submit that the proposed amendments do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this response should allow for immediate action by the Examiner.

Applicants further request that the Examiner enter the amendments for purposes of appeal as the entry of the amendments would place the application in better form for appeal.

In view of the foregoing, Applicants respectfully request reconsideration of this application and timely allowance of the pending claims.



Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 2, 2008

By: /Peter C. Yi/  
Peter C. Yi  
Reg. No. 61,790  
202.408.4485